

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS**

MICHAEL SHERMAN,	)	
	)	
Plaintiff,	)	
	)	
VISION LAB TELECOMMUNICATIONS,	)	C.A. No. 05-11545-NG
INC., ON DEMAND MARKETING LLC,	)	
RANDY THOMASON, HIGHLAND	)	
MARKETING LLC, BELLSOUTH	)	
CORPORATION, TELEDATA SOLUTIONS,	)	
INC., and THE SUPPORT GROUP IN SWEDEN,	)	
AB,	)	
	)	
Defendants.	)	

**DEFENDANT VISION LAB TELECOMMUNICATIONS, INC.'S  
UNOPPOSED MOTION FOR LEAVE TO FILE REPLY**

Defendant Vision Lab Telecommunications, Inc. ("Vision Lab") hereby respectfully moves pursuant to Local Rule 7.1(B)(3) for leave to submit a brief Reply in further support of its Motion to Dismiss for Failure to State a Claim and Rule 12(e) Motion for a More Definite Statement, to be filed on or before October 6, 2005, in response to the contentions made in Plaintiff's memoranda in opposition to Vision Lab's Motions ("Opposition Memoranda"). In support thereof, Vision Lab states as follows:

1. Vision Lab has received Plaintiff's Opposition Memoranda, which together are over 40 pages long. Vision Lab is reviewing these papers and the numerous cases and statutes cited therein.
2. Vision Lab's counsel has conferred with Plaintiff's counsel, who states that Plaintiff assents to both Vision Lab's request to file a Reply and that such Reply be filed on or before October 6, 2005.

3. Vision Lab will deliver a succinct Reply to the Opposition Memoranda that narrows and focuses the issues in this matter.

4. Vision Lab believes that a Reply will assist the Court in ruling on the pending Motion to Dismiss for Failure to State a Claim and Rule 12(e) Motion for a More Definite Statement by relating the issues and legal authorities raised in Vision Lab's original motions to the new arguments raised in the Plaintiff's Opposition Memoranda.

WHEREFORE, Defendant Vision Lab Telecommunications, Inc. respectfully requests that the Court grant it leave to submit a Reply on or before October 6, 2005, and grant such other relief as the Court deems just and proper. A Proposed Order is attached hereto as Exhibit A.

Respectfully submitted,  
VISION LAB TELECOMMUNICATIONS, INC.,

By its attorneys,

s/s Richard M. Zielinski  
Richard M. Zielinski (BBO #540060)  
GOULSTON & STORRS, P.C.  
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Of Counsel:  
Samuel S. Cohen  
Neal Gerber Eisenberg LLC  
2 North LaSalle Street  
Suite 2200  
Chicago, IL 60602

Dated: September 19, 2005

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VISION LAB TELECOMMUNICATIONS,	)	C.A. No. 05-11545-NG
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RANDY THOMASON, HIGHLAND	)	
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CORPORATION, TELEDATA SOLUTIONS,	)	
INC., and THE SUPPORT GROUP IN SWEDEN,	)	
AB,	)	
	)	
Defendants.	)	

**PROPOSED ORDER**

Defendant Vision Lab Telecommunications, Inc.'s ("Vision Lab") Unopposed Motion for Leave to File a Reply, on or before October 6, 2005, in response to the Plaintiff's memoranda in opposition to Vision Lab's Motion to Dismiss for Failure to State a Claim and Rule 12(e) Motion for a More Definite Statement, is hereby:

**GRANTED** \_\_\_\_\_

**DENIED** \_\_\_\_\_

**IT IS SO ORDERED.**

**ENTER:**

\_\_\_\_\_  
**Judge / Date**